

December 2, 2024

**VIA ECF**

Hon. Jessica G. L. Clarke  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1040  
New York, NY 10007

Re: *Rapaport v. Finkelman*, No. 1:24-cv-05942-JGLC

Dear Judge Clarke:

I represent Defendant Abigail Finkelman in the above-captioned action. I write in response to Plaintiff's letter dated November 27, 2024, and entered on ECF today, ECF no. 36. Although I regret that the Court's time has again been wasted by Plaintiff's letter writing campaign, I write to clarify two procedural points the Court should consider. In so considering, the Court should strike and/or disregard Plaintiff's letter.

First, Plaintiff's letter purports to respond directly to points raised in Ms. Finkelman's reply brief in further support of her motion to dismiss. *See* ECF no. 36 (citing ECF no. 34). This makes his letter, in essence, a surreply which is explicitly "not allowed" absent "specific[] permi[ssion] in extraordinary circumstances for good cause" from this Court. Individual Rule 4(b). For this reason alone, the letter should be struck and/or disregarded.

Second, Plaintiff's attempt to raise new and equally frivolous arguments about purported sanctionable conduct runs counter to his own request that this Court stay the sanctions briefing, which this Court was generous enough to grant. Although Ms. Finkelman wished for both motions to proceed simultaneously, she has respected the Court's order sequencing the motions by delaying briefing on the motions for sanctions until after the motion to dismiss is decided. Plaintiff cannot have it both ways.

There is no need to respond to the substance, such as it is, because the arguments raised concerning suspicion about the validity of Plaintiff's address speak for themselves in motion papers, where they belong.

Thank you for your Honor's consideration in this matter.

Respectfully,

/s/ Max Rodriguez  
Max Rodriguez